

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ROSLY RODRIGUEZ CARMONA,

Plaintiff,

-vs-

Case No. 15-C-615

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security,**

Defendant.

DECISION AND ORDER

Plaintiff Rosly Rodriguez Carmona (“Rodriguez”) seeks leave to proceed *in forma pauperis* (“IFP”) (ECF No. 2) on her appeal from the denial of her applications for social security disability benefits and supplemental security income. In order to authorize a litigant to proceed IFP, the Court must make two determinations: first, whether the litigant is unable to pay the costs of commencing this action; and second, whether the action is frivolous or malicious. 28 U.S.C. §§ 1915(a) and (e)(2)(B)(i). The Court must deny a request to proceed IFP if (1) the allegation of poverty is untrue; (2) the action is frivolous; (3) the action fails to state a claim; or (4) the action seeks monetary relief against an immune defendant. 28 U.S.C. § 1915(e)(2).

By her petition and affidavit to proceed IFP, Rodriguez avers that she is single and has no persons whom she is legally responsible to support. Rodriguez receives \$1008 in public assistance and \$93 in child support each

month, she owns a 1996 Toyota Rav 4 worth \$1,800, and she has \$285 in a checking or savings account. Rodriguez's monthly expenses exceed her monthly total income by roughly \$60.

Based on the information provided, Rodriguez has satisfied the requirements of 28 U.S.C. § 1915(a) by demonstrating that she is unable to pay the \$350 filing fee for this action. Furthermore, Rodriguez's Complaint states arguable claims for relief. Accordingly, Rodriguez's petition for leave to proceed IFP is granted.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS
HEREBY ORDERED THAT:**

Rodriguez's petition for leave to proceed IFP (ECF No. 2) is
GRANTED.

Dated at Milwaukee, Wisconsin, this 29th day of May, 2015.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge